

By the accompanying amendment, limitations of claim 2 have been incorporated into claim 1, and claim 2 has been cancelled.

Yabu discloses a wafer chuck wherein wafers of different sizes are sucked and held so that their planes can be corrected. Yabu does not disclose or suggest a sucking unit that is adapted to suck the to-be-exposed substrate on the base only at the part of the to-be-exposed substrate that is to be exposed to light as recited in the amended claim. Yabu sucks at a part with respect to the size of the substrate. The suction regions 6, 7, 8 or Yabu are shaped as co-axial circles, as shown in Figure 2, and the innermost circle 6 is always under vacuum. The regions 6, 7 and 8 are not selective. There are only three cases of the sucking depending upon the size of the substrate, namely, the case where only the region 6 is under vacuum, the case where regions 6 and 7 are under vacuum, and the case where the regions 6, 7 and 8 are under vacuum. Thus, Yabu sucks only at co-axial parts 6, 7 and 8 depending on the size of the substrate.

The Examiner states that the recitation that an element "is capable of" performing a function is not a positive limitation, citing *In re Hutchison*. However, in the *Hutchison* case, the language in question was recited in the preamble of the claim. The court stated that such language, in the introductory clause of the claim, is not a limitation. In contrast, claim 1 as amended recites in the body of the claim that the sucking unit is adapted to suck the to-be-exposed substrate only at the part that is to be exposed to light. Yabu does not disclose or suggest such a device.

The Examiner also rejects claims 1 and 2 under 35 U.S.C. §102(a) as being anticipated by JP-2002012352A. This reference relates to a film substrate conveyor where the rectangular suction surface having the suction holes 63 is sectioned in the four portions that are separately sucked. However, the separation of the sucking is to "prevent reduction in suction power". It is clear that this reference does not disclose or suggest a sucking unit that is adapted to suck only at the part of the

substrate that is to be exposed to light.

The Examiner rejects claims 1-8 under 35 U.S.C. §102(e) as being anticipated by Dunn et al., U.S. Patent No. 6,201,597. The Examiner states that Dunn et al. disclose an exposure apparatus for transferring a predetermined pattern formed on a photomask (14) onto a substrate (10) comprising all of the limitations of the instant claims.

Dunn et al. discloses a substrate patterning system, including a base supporting a substrate, and a sucking unit (vacuum chuck) having multiple zones that can be activated as needed. However, although the sucking unit has multiple zones, these zones are present in order to accommodate substrates regardless of their location on the platform. Thus, Dunn et al. sucks the entire substrate at any location on the platform 9. However, Dunn et al. do not disclose or suggest that only the part of the substrate that is to be exposed to light is a sucked on the base.

The Examiner also rejects claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over Taniguchi, U.S. Patent No. 5,721,608, in view of Yabu Shuichi. The Examiner states that Taniguchi discloses an exposure apparatus comprising substantially all of the structure set forth in these claims, but admits that a sucking unit capable of sucking the substrate only at a part thereof is not disclosed. The Examiner cites Yabu Shuichi for its disclosure of an aligner and a sucking system capable of sucking the substrate only at a part thereof via control means 13, 14.

As stated above, Yabu does not disclose or suggest a sucking unit that is adapted to suck only a part of the substrate that is to be exposed to light. Accordingly, the combination of Taniguchi and Yabu does not lead to the instant claims as amended.

Submitted herewith for the convenience of the Examiner are computer-generated translations of Yabu and JP2002-12352A.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Lemack', written over the printed name.

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Version With Markings to Show Changes Made

1. An aligner comprising: a base for resting a to-be-exposed substrate thereon and a sucking unit for sucking the to-be-exposed substrate on said base, wherein said aligner is adapted to expose the to-be-exposed substrate to light at only a part thereof, and said sucking unit [being capable of sucking] is adapted to suck the to-be-exposed substrate only at [a] said part [thereof].

2. (cancelled)

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